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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,250	02/15/2002	Juha Rasanen	915-004.5	3250

4955 7590 06/30/2005

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EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/078,250

Applicant(s)

Rasanen

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-10 and 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10 and 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on February 24, 2005. **Claims 1-3, 6-10, and 13-32** are now pending in the present application. **This Action is made FINAL.**

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference number not mentioned in the description: On **figure 1**, reference number **3** is not mentioned in the description.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office Action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicant will be notified

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and informed of any required corrective action in the next Office Action. If a response to the present Office Action fails to include proper drawing corrections, corrected drawings or arguments therefor, the response can be held **NON-RESPONSIVE** and/or the application could be **ABANDONED** since the objections/corrections to the drawings are no longer held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

a) On **page 2 lines 13, 14, and 16**, on **page 7 lines 3, 8, and 15**, on **page 8 line 21**, on **page 9 line 24**, on **page 10 line 19**, on **page 11 line 11**, on **page 12 lines 3 and 27**, on **page 13 line 33**, on **page 16 lines 18 and 27**, on **page 17 lines 2, 6, 7, and 19**, and on **page 18 lines 6 and 16**, replace “e.g.” with --e.g.,--;

b) On **page 3 lines 20 and 24**, on **page 12 lines 16 and 29**, on **page 14 line 12**, on **page 15 lines 27, 28, and 30**, and on **page 16 line 7**, replace “i.e.” with --i.e.,--;

c) On **page 4 line 13** and on **page 10 line 29**, delete “a” before “supplementary”;

d) On **page 4 line 17**, on **page 5 line 25**, on **page 8 line 29**, on **page 14 line 17**, and on **page 18 line 27**, replace “e.g.” with --, e.g.,--;

e) On **page 4 line 32** and on **page 5 line 11**, delete “a” before “connection”;

f) On **page 6 line 18**, delete “a” before “video”;

g) On **page 6 line 19**, delete “an” before “audio”;

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- h) On **page 9 line 14**, delete “of” before “(TRX)”;
- i) On **page 9 line 23**, replace “IWF, the 31” with --IWF 31, the--;
- j) On **page 9 line 33**, replace “functions etc.)” with --functions, etc.)--;
- k) On **page 11 line 16**, replace “signal” with --signaling-- before “control”;
- l) On **page 11 line 20**, replace “control” with --processing-- after “signal”; and
- m) On **page 15 line 21**, replace “MCS” with --MSC--.

Appropriate correction is required.

Claim Objections

5. **Claims 1, 7, 8, 22, 25, 31, and 32** are objected to because of the following informalities:

- a) On **line 6 of claims 1, 22, 31, and 32**, delete “a” after “storing”;
- b) On **line 1 of claim 7**, insert --stopping-- before “resynchronization”;
- c) On **line 2 of claims 8 and 25**, delete “a” before “video”;
- d) On **line 2 of claim 8**, delete “an” after “or”;
- e) On **line 7 of claim 22**, replace “the” with --a-- after “in” in order to provide proper antecedent basis for “multimedia call”; and
- f) On **line 2 of claim 25**, delete “an” after “and/or”.

Appropriate correction is required.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 1-3, 6, 8-10, 13, 16, 18-20, 22, 23, 25, and 28-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bäckström et al. (U.S. Patent # 5,903,851)** in view of **Sayers et al. (U.S. Patent # 6,539,237 B1)**.

Regarding **claims 1-3, 8, and 9**, Bäckström et al. disclose a method for providing a supplementary call service in a telecommunication network (Requesting access to data or services provided by a remote host; *col. 2, lines 53-57; Fig. 2*), comprising the steps of: a) monitoring on a signaling path between end terminals (5, 12) a negotiation signaling of respective call parties (Once a first connection is established an interworking unit monitors the call circuit connection between a data terminal equipment and an application host by examining

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the contents of ARQ protocol frames; *col. 3, lines 35-51*), wherein said monitoring step is being executed in an interworking function portion of one of said end terminals (a data connection mode is initialized between the DTE 10 and the MS 30 and monitored at the MS for the data transfer and request of the call circuit connection (figure 4, column 4 lines 49-65, and column 5 line 1-10) (read in accordance with Applicant's specification)); b) storing connection information detected in said monitoring step (Storing the first or original call circuit connection within a register of a Mobile Switching Center; *col. 4, lines 7-11*); c) using said detected connection information to generate a signaling towards at least one of said end terminals (5, 12) to establish said supplementary call service, when said supplementary call service is invoked by one of said call parties (After a period of inactivity a second call circuit is requested by a data terminal equipment, subsequently comparing the current called party identification information with the one stored in the MSC register for the first call circuit connection; *col. 4, lines 18-31*), wherein said supplementary call service is applied to a data call (wireless access to the Internet; *col. 1, lines 19-21; col. 5, lines 16-18*) (reads on **claim 2**).

However, Bäckström et al. fails to specifically disclose a multimedia call, wherein said connection information defines at least one of a protocol used in the multimedia call between said call parties and a transcoding parameter used in the multimedia call, wherein said supplementary call service is a call hold or a call transfer, wherein the data call is a video call (claim 3), and wherein said signaling for establishing said call hold supplementary service comprises sending video information or audio information to one of said call parties (claim 8), wherein said video information comprises a still or moving video information (claim 9).

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In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e., PSTN, ISDN) and a private network (*col. 7, lines 17-26*). Sayers et al. further disclose a control protocol for multimedia applications providing the means to control and close a logical channel for audio stream negotiation (H.245; *col. 13, lines 29-33*) (reads on **claim 3**). Sayers et al. further disclose wherein a call control module is responsible for call related supplementary services such as call hold services (*col. 12, lines 3-29*), wherein a connection information defines a protocol used in the multimedia call between said call parties and a transcoding parameter used in the multimedia call (RIL3-CC, H.245, and SMS-PP, each of which specifies transcoding parameters, *col. 13, lines 1-55*), and wherein signaling for establishing said call hold supplementary service comprises sending video information or an audio information to one of said call parties (A call control module and a H.245 module; *col. 12, line 3 thru col. 4, line 55*) (reads on **claim 8**), and the provision of advances services such as video (reads on **claim 9**; *col. 6, lines 49-52; col. 13, lines 29-33*).

Therefore, it would have been obvious to one with ordinary skill in the art at the invention was made to have Bäckström et al. method for providing wireless access to a data terminal equipment to include services such as call hold supplementary services as taught by Sayers et al. for the purpose of providing advanced services to conventional cellular systems.

Regarding **claim 6**, and **as applied to claim 1 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned method wherein said supplementary call service is a call hold supplementary service. In addition, Bäckström et al. disclose sending empty or fill frames or

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supervisory data link layer frames according to said connection information to one of said call parties in order to keep a connection protocol alive (Wherein a period of inactivity is indicated by ARQ protocol frames by continuously retransmitting a series of zeros or empty frames indicating that the frames are idle while maintaining the connection between the IWU and the PSTN/ISDN network; *col. 3, line 46 thru col. 4, line 6*).

Regarding **claim 10**, and **as applied to claim 1 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned method. In addition, Bäckström et al. disclose wherein said negotiation signaling is monitored by a mobile terminal connected to one of said end terminals (A mobile station (*item 20*) attached to a data terminal equipment (*item 10*), wherein the data terminal equipment transmits its request on the attached mobile station, wherein the mobile station is a member of the wireless public and mobile network (PLMN), furthermore the mobile station monitoring the data activity from the data terminal equipment in order to reconnect with a remote host; *col. 2, lines 53-67; col. 4, line 56 thru col. 5, line 18; Fig. 2*).

Regarding **claims 13 and 16**, and **as applied to claim 1 above**, Bäckström et al. disclose the aforementioned method. Bäckström et al. fail to clearly specify said transcoding parameter defines a type of audio and/or video codec (claim 13), wherein said supplementary call service is a call transfer supplementary service, and wherein said signaling comprises signaling transmitting a codec parameter derived from said connection information to a network element having a transcoding capability, in order to provide a required transcoding function at said network element (claim 16).

In the same field of endeavor, Sayers et al. disclose a communication system that

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includes a public wireless network, public fixed networks (i.e. PSTN, ISDN) and a private network (Which reads on claim 11; *col. 7, lines 17-26*). Sayers et al. further disclose wherein a call control module is responsible for call related supplementary services such as call forwarding/transfer services (Which reads on claim 11; *col. 12, lines 3-29*), wherein a connection information defines a transcoding parameter such as type of audio and/or video codec (A H.245 Encoder/Decoder module for multimedia communication that allows a terminal to communicate it's audio/video capabilities to the other party through a logical channel that negotiates audio stream through codecs, which reads on **claim 13**; *col. 13, lines 29-33*), and transmitting a codec parameter derived from a connection information to a network element having a transcoding capability, in order to provide a required transcoding function at said network element (A H.245 Encoder/Decoder module for multimedia communication that allows a terminal to communicate it's audio/video capabilities to the other party (network element) through a logical channel that negotiates audio stream through codecs, which reads on **claim 16**; *col. 13, lines 29-33*)

Therefore, it would have been obvious to one with ordinary skill in the art at the invention was made to have Bäckström et al. method for providing wireless access to a data terminal equipment to include services such as call forwarding services as taught by Sayers et al. for the purpose of providing advanced services to conventional cellular systems.

Regarding **claim 18**, and **as applied to claim 1 above**, Bäckström et al. disclose the aforementioned method, further comprising indicating changes of call characteristics to and upper layer entity and performing interworking in said upper layer entity (The MSC contacting and inter-working unit for adapting transmission and protocols between different communication

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networks and indicating changes of call characteristics such as inactivity, a connection request, or different identifiers; *col. 3, lines 1-14; col. 14, lines 18-31*). Bäckström et al. in fail to clearly specify recognizing an application level compatibility for transferred calls.

In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e. PSTN, ISDN) and a private network (LANs; *col. 7, lines 17-26*), wherein the private networks comprise private base stations (P-BTSs) associated with protocol converters which allow access to mobile subscribers to the private network, furthermore the P-BTSs containing required protocol stacks to perform functions for radio communications and multimedia applications, thus providing inter-working functionality (call control modules), in addition the P-BTSs comprising call control modules who subsequently comprise software modules for call processing such as call forwarding/transfer (*col. 9, line 46 thru col. 12, line 29*).

Therefore, it would have been obvious to one with ordinary skill in the art at the invention was made to have Bäckström et al. method for providing wireless access to a data terminal equipment to include services such as call forwarding services as taught by Sayers et al. for the purpose of providing compatibility between different communication networks such as public and private networks.

Regarding **claim 19**, and **as applied to claim 1 above**, Bäckström et al., as modified by Sayers et al., also disclose wherein said signaling for establishing said supplementary service is performed by an interworking function provided in said telecommunication network (*Fig. 2, item 40*).

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Regarding **claim 20**, and **as applied to claim 1 above**, Bäckström et al., as modified by Sayers et al., further disclose wherein said telecommunication network is a mobile network (Public Land Mobile Network (PLMN), *col. 1, lines 50-55*).

Regarding **claims 22 and 25**, Bäckström et al. disclose an apparatus for providing a supplementary call service in a telecommunication network (Requesting access to data or services provided by a remote host; *col. 2, lines 53-57; Fig. 2*), comprising: a) monitoring means (34) for monitoring on a signaling path between end terminals (5, 12) a negotiation signaling of respective call parties (Once a first connection is established an interworking unit monitors the call circuit connection between a data terminal equipment and an application host by examining the contents of ARQ protocol frames; *col. 3, lines 35-51*), wherein said monitoring step is being executed in an interworking function portion of one of said end terminals (a data connection mode is initialized between the DTE 10 and the MS 30 and monitored at the MS for the data transfer and request of the call circuit connection (figure 4, column 4 lines 49-65, and column 5 line 1-10) (read in accordance with Applicant's specification)); b) storing means (35) for storing connection information detected by said monitoring means (34) (Storing the first or original call circuit connection within a register of a Mobile Switching Center; *col. 4, lines 7-11*); and c) signaling means (32, 33) for generating a signaling towards at least one of said end terminals (5, 12) to establish said supplementary call service in response to said stored connection information, when said supplementary call service is invoked by one of said call parties (After a period of inactivity a second call circuit is requested by a data terminal equipment, subsequently comparing the current called party identification information with the one stored in the MSC

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register for the first call circuit connection; *col. 4, lines 18-31*).

However, Bäckström et al. fails to specifically disclose a multimedia call, wherein said connection information defines at least one of a protocol used in the multimedia call between said call parties and a transcoding parameter used in the multimedia call, wherein said supplementary call service is a call hold or a call transfer, and wherein said signaling is adapted to send video information or audio information to one of said call parties (claim 25).

In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e., PSTN, ISDN) and a private network (*col. 7, lines 17-26*). Sayers et al. further disclose a control protocol for multimedia applications providing the means to control and close a logical channel for audio stream negotiation (H.245; *col. 13, lines 29-33*). Sayers et al. further disclose wherein a call control module is responsible for call related supplementary services such as call hold services (*col. 12, lines 3-29*), wherein a connection information defines a protocol used in the multimedia call between said call parties and a transcoding parameter used in the multimedia call (RIL3-CC, H.245, and SMS-PP, each of which specifies transcoding parameters, *col. 13, lines 1-55*), and wherein signaling for establishing said call hold supplementary service comprises sending video information or an audio information to one of said call parties (A call control module and a H.245 module; *col. 12, line 3 thru col. 4, line 55*) (reads on **claim 25**).

Therefore, it would have been obvious to one with ordinary skill in the art at the invention was made to have Bäckström et al. method for providing wireless access to a data terminal equipment to include services such as call hold supplementary services as taught by

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Sayers et al. for the purpose of providing advanced services to conventional cellular systems.

Regarding **claim 23**, and **as applied to claim 22 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned apparatus and, in addition, Bäckström et al. disclose wherein said signaling means (32, 33) is adapted to send empty or fill frames or supervisory data link layer frames according to said connection information to one of said call parties, in order to keep a connection protocol alive (Wherein a period of inactivity is indicated by ARQ protocol frames by continuously retransmitting a series of zeros or empty frames indicating that the frames are idle while maintaining the connection between the IWU and the PSTN/ISDN network; *col. 3, line 46 thru col. 4, line 6*).

Regarding **claim 28**, and **as applied to claim 22 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned apparatus and, in addition, Bäckström et al. disclose the aforementioned apparatus, wherein said signaling means (32, 33) is adapted to indicate changes of a call characteristic to an upper layer entity (The MSC contacting and inter-working unit for adapting transmission and protocols between different communication networks and indicating changes of call characteristics such as inactivity, a connection request, or different identifiers; *col. 3, lines 1-14; col. 4, lines 18-31*).

Regarding **claim 29**, and **as applied to claim 23 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned apparatus and, in addition, Bäckström et al. disclose the aforementioned apparatus, wherein said apparatus is a mobile terminal (11) (*Fig. 2, item 15*) connected to one (12) of said end terminals (*Fig. 2, item 10*).

Regarding **claim 30**, and **as applied to claim 22 above**, Bäckström et al. in view of

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Sayers et al. disclose the aforementioned apparatus and, in addition, Bäckström et al. disclose the aforementioned apparatus, wherein said apparatus is an interworking unit (31) (*Fig. 2, item 40*).

Regarding **claims 31 and 32**, Bäckström et al. disclose a method and apparatus for providing a supplementary call service in a telecommunication network (Requesting access to data or services provided by a remote host; *col. 2, lines 53-57; Fig. 2*), comprising: a) monitoring means (34) for monitoring on a signaling path between end terminals (5, 12) a negotiation signaling of respective call parties (Once a first connection is established an interworking unit monitors the call circuit connection between a data terminal equipment and an application host by examining the contents of ARQ protocol frames; *col. 3, lines 35-51*), wherein said monitoring step is being executed in an interworking function portion of a mobile switching center (MSC) of the telecommunication network (column 3 lines 8-11); b) storing means (35) for storing connection information detected by said monitoring means (34) (Storing the first or original call circuit connection within a register of a Mobile Switching Center; *col. 4, lines 7-11*); and c) signaling means (32, 33) for generating a signaling towards at least one of said end terminals (5, 12) to establish said supplementary call service in response to said stored connection information, when said supplementary call service is invoked by one of said call parties (After a period of inactivity a second call circuit is requested by a data terminal equipment, subsequently comparing the current called party identification information with the one stored in the MSC register for the first call circuit connection; *col. 4, lines 18-31*).

However, Bäckström et al. fails to specifically disclose a multimedia call, wherein said connection information defines at least one of a protocol used in the multimedia call between

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said call parties and a transcoding parameter used in the multimedia call, and wherein said supplementary call service is a call hold or a call transfer.

In the same field of endeavor, Sayers et al. disclose a communication system that includes a public wireless network, public fixed networks (i.e., PSTN, ISDN) and a private network (*col. 7, lines 17-26*). Sayers et al. further disclose a control protocol for multimedia applications providing the means to control and close a logical channel for audio stream negotiation (H.245; *col. 13, lines 29-33*). Sayers et al. further disclose wherein a call control module is responsible for call related supplementary services such as call hold services (*col. 12, lines 3-29*), wherein a connection information defines a protocol used in the multimedia call between said call parties and a transcoding parameter used in the multimedia call (RIL3-CC, H.245, and SMS-PP, each of which specifies transcoding parameters, *col. 13, lines 1-55*), and wherein signaling for establishing said call hold supplementary service comprises sending video information or an audio information to one of said call parties (A call control module and a H.245 module; *col. 12, line 3 thru col. 4, line 55*).

Therefore, it would have been obvious to one with ordinary skill in the art at the invention was made to have Bäckström et al. method for providing wireless access to a data terminal equipment to include services such as call hold supplementary services as taught by Sayers et al. for the purpose of providing advanced services to conventional cellular systems.

8. **Claims 7 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bäckström et al. (U.S. Patent # 5,903,851)** in view of **Sayers et al. (U.S. Patent # 6,539,237**

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B1) as applied to claims 1 and 22 above, and further in view of Rasmussen (U.S. Patent # 6,088,600).

Regarding **claims 7 and 24, and as applied to claims 1 and 22 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned method and apparatus, providing a data communication mode for releasing a radio link but maintaining the connection between the mobile station and the data terminal, thus avoiding application synchronization lost (see Bäckström et al.; *col. 4, lines 49-63*). Bäckström et al. in view of Sayers et al. fail to clearly specify stopping resynchronization attempts towards one of the call parties and stopping a related timer in order to prevent a call failure.

In the same field of endeavor, Rasmussen discloses a cellular modem coupled to a data terminal equipment, wherein the cellular modem monitors the activity of the data terminal equipment and a remote host or far-end data endpoint for making an active or inactive state determinations, wherein an inactive state determination is made if no data activity is detected after a timer expiration occurs (*col. 4, lines 35-63*), furthermore the cellular modem periodically power-up its transceiver to perform a quick re-train with a remote cellular modem while in the inactive state to update connection-related parameters, thus quickly re-establishing synchronization with the remote cellular modem (*col. 6, lines 11-53*).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Bäckström et al. in view of Sayers et al. method and apparatus for providing advanced data services through wireless access to include resynchronization as taught by Rasmussen for the purpose of providing discontinuous transmission for digital packet data in

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a circuit-switched analog cellular data environment.

9. **Claims 14, 15, and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bäckström et al. (U.S. Patent # 5,903,851)** in view of **Sayers et al. (U.S. Patent # 6,539,237 B1)** as applied to **claims 1 and 22 above**, and further in view of **Gerszberg et al. (U.S. Patent # 6,424,646 B1)**.

Regarding **claims 14, 15, and 26**, and as applied to **claims 1 and 22 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned method. Bäckström et al. in view of Sayers et al. fail to clearly specify wherein said signaling for establishing said call transfer supplementary service comprises a fallback signaling for converting a connection to one of said call parties into a speech mode (claims 14 and 26), and wherein said fallback signaling is performed if said connection information indicates that the data call cannot be adapted (claim 15).

In the same field of endeavor, Gerszberg et al. disclose a method wherein upon a failure of a digital link, only analog voice signals might be send over subscriber lines, the analog signals converted into digital format for transmission to one or more external networks, thus ensuring voice communications despite the failure of the digital data link (Which reads on claims 14 and 26; *col. 7, lines 6-17*), and wherein fallback signaling is performed if a connection information indicates that data call cannot be adapted (Data link failure, therefore failing to adapt a data link connection between two call parties, which reads on claim 15; *col. 7, lines 6-9*).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the

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invention was made to have Bäckström et al. in view of Sayers et al. method for providing advanced data services through wireless access to convert data services into voice communications as taught by Gerszberg et al. for the purpose of properly multiplexing and coordinating communication services onto a single communication line, thus avoiding the complete loss of information.

10. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bäckström et al. (U.S. Patent # 5,903,851)** in view of **Sayers et al. (U.S. Patent # 6,539,237 B1)** as applied to **claim 16 above**, and further in view **Hämäläinen et al. (WO 99/41920)**.

Regarding **claim 17**, and as applied to **claim 16 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned method. Bäckström et al. in view of Sayers et al. fail to clearly specify wherein said codec parameter is transmitted to said network element, if a fallback signaling to one of said call parties has failed.

In the same field of endeavor, Hämäläinen et al. disclose a method for data transmission between different communication devices in a communication network wherein multimedia parameters for multimedia services are transmitted to a mobile switching center that acknowledges the receipt of this data for further optimizing said multimedia services, such as adapting the transmission rate to better correspond or suit the capabilities of the transmission connection (*Page 11, line 1 thru Page 12, line 13; Page 13, lines 1-24*).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Bäckström et al. in view of Sayers et al. method for providing

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advanced data services through wireless access to transmits multimedia parameters for optimizing a transmission connection as taught by Hämäläinen et al. for the purpose of adapting multimedia services according to the capabilities of the connection, thus avoiding failures or delays in a communication network.

11. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bäckström et al. (U.S. Patent # 5,903,851)** in view of **Sayers et al. (U.S. Patent # 6,539,237 B1)** as applied to **claim 1 above**, and further in view of **Bressler (U.S. Patent # 6,584,190 B1)**.

Regarding **claim 21**, and **as applied to claim 1 above**, Bäckström et al. in view of Sayers et al. disclose the aforementioned method. Bäckström et al. in view of Sayers et al. fail to clearly specify wherein said connection information is at least partly received through an outband signaling.

In the same field of endeavor, Bressler discloses a communication system that utilizes an SS7 communication network for exchanging messages between network nodes over SS7 signaling links, which occurs over out-of-band dedicated links (*col. 3, lines 14-23*).

Therefore, it would have been obvious to one with ordinary skill in the art at the invention was made to have Bäckström et al. in view of Sayers method for providing wireless access to a data terminal equipment to exchange data through out-of-band links as taught by Bressler for the purpose of providing and supporting additional services.

12. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bäckström et al.**

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(U.S. Patent # 5,903,851) in view of Sayers et al. (U.S. Patent # 6,539,237 B1) and further in view of Gerszberg et al. (U.S. Patent # 6,424,646 B1) as applied to claim 26 above, and further in view Hämäläinen et al. (WO 99/41920).

Regarding claim 27, and as applied to claim 26 above, Bäckström et al. in view of Sayers et al. and further in view of Gerszberg et al. disclose the aforementioned apparatus. Bäckström et al. in view of Sayers et al. and further in view of Gerszberg et al. fail to clearly specify, wherein said signaling means (32, 33) is adapted to transmit a coded parameter to a network element (30) having a transcoding capability, in order to provide a required transcoding function at said network element (30).

In the same field of endeavor, Hämäläinen et al. disclose a method for data transmission between different communication devices in a communication network wherein multimedia parameters for multimedia services are transmitted to a mobile switching center that acknowledges the receipt of this data for further optimizing said multimedia services, such as adapting the transmission rate to better correspond or suit the capabilities of the transmission connection (*Page 11, line 1 thru Page 12, line 13; Page 13, lines 1-24*).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Bäckström et al. in view of Sayers et al. and further in view of Gerszberg et al. apparatus for providing advanced data services through wireless access to transmits multimedia parameters for optimizing a transmission connection as taught by Hämäläinen et al. for the purpose of adapting multimedia services according to the capabilities of the connection, thus avoiding failures or delays in a communication network.

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Response to Arguments

13. Applicant's arguments with respect to **claims 1, 22, 31, and 32** have been considered but are moot in view of the new ground(s) of rejection necessitated by the limitations added to claims 1 and 22 and the new claims 31 and 32. See the above rejections of claims 1, 22, 31, and 32 for the relevant citations found in Bäckström et al. and Sayers et al. disclosing said limitations.

14. In response to Applicant's argument, on page 11 and 12 of the remarks, that the references fail to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies (i.e., the telecommunication network being a public network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In the instant application, the limitations of "telecommunication network" is broad enough and does not preclude the teachings of Sayers et al. to meet the claimed invention set forth in claims 1, 22, 31, and 32.

Therefore, in view of the above reasons and having addressed Applicant's arguments, the previous rejection is maintained and made FINAL by the Examiner.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this

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Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-

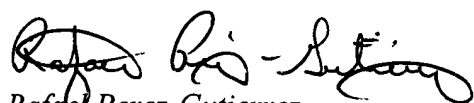
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7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.



Rafael Perez-Gutierrez

R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER

June 25, 2005